




**TO:** Unemployment Insurance Benefits Division  
Unemployment Insurance Appeals Division  
Unemployment Insurance Review Board  
Legal Support  
Regional Coordinators  
WorkOne Local Office Managers

**FROM:** Ronald L. Stiver, Commissioner 

**DATE:** August 3, 2006

**SUBJECT:** DWD Policy 2006-02  
Unemployment Insurance Overpayment Waiver Policy for the  
Period July 1, 2001 through July 1, 2006

**RE:** All unemployment insurance funded sources administered by the  
Indiana Department of Workforce Development

**Purpose** To modify the guidelines for discretionary waiver of benefit overpayments  
July 1, 2001 through July 1, 2006

**Rescission** DWD Policy 2002-29, Overpayment Waiver Policy

#### **Contents**

**Eligibility for Waiver of Benefit Overpayments:** In accordance with IC 22-4-13-1(f), the Department may waive an overpayment established between July 1, 2001 and July 1, 2006 only if all of the following criteria are met:

1. The benefits were received;
2. Following a determination of eligibility or appeals decision that allowed benefits while waiting for a decision from a subsequent appeal to a higher authority (either from an Administrative Law Judge or the Unemployment Insurance Review Board);
3. The subsequent decision denied benefits, thus causing the overpayment;
4. The employer(s) being charged for the benefits was NOT an employer who elected to make payments in lieu of contributions (reimbursable employer);
5. The claimant was without fault in the payment of benefits; and
6. The claimant establishes that the repayment of the overpayment would cause him economic hardship.

### **Procedure**

The claimant must request a waiver of overpayment by completing an Overpayment Waiver Request and submitting it to Indiana Department of Workforce Development Benefit Payment Control. No overpayment hardship waiver will be considered for one year following the establishment of the overpayment or the completion of any appeals of the issue which caused the overpayment, whichever is later. In order to establish economic hardship, the claimant must establish that household income is below the current federal Department of Health and Human Services Poverty Guidelines. In determining economic hardship, all family income and expenses will be considered, including family assets, but excluding the primary residence and primary automobile.

The application must be legible and complete. All documentation must be included with the application when it is submitted. The application must be obtained through Benefit Payment Control. It can be requested by telephone, fax, or mail. Benefit Payment Control staff will pre-screen requests to ensure that the overpayment qualifies for waiver based upon the criteria above prior to sending out the application. **Claimants requesting a waiver application at a local office should be referred to Benefit Payment Control.**

All waiver requests will be transmitted to Benefit Payment Control. Applications will be examined to ensure that the base qualifications are met. The requestor's financial situation will then be examined, with recommendation made to the Deputy Commissioner of Employment Growth and the General Counsel for final decision. The waiver decision will be conveyed to the claimant by letter. The waiver decision cannot be appealed to an Administrative Law Judge.

### **Contact for Requests and Applications**

Indiana Department of Workforce Development  
Benefit Payment Control  
10 North Senate Avenue  
Indianapolis, IN 46204  
Telephone: 317.233.5718  
                  317.233.4838  
                  317.233.4839  
FAX: 317.234.2932

### **Policy Ownership**

Indiana Department of Workforce Development  
Benefit Payment Control  
10 North Senate Avenue  
Indianapolis, IN 46204

### **Effective Date**

Immediately

### **Review Date**

July 1, 2008

### **Action**

All staff with the unemployment insurance program should be notified regarding this policy. Any questions regarding this communication may be addressed to the Supervisor of Benefit Payment Control at 317.232.7490.